

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**KANAT UMARBAEV,**  
**Petitioner**

**v.**

**WARDEN CRAIG A. LOWE,<sup>1</sup>**  
**Respondent**

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**No. 1:20-cv-413**

**(Judge Kane)**

**ORDER**

**AND NOW**, on this 12th day of March 2020, upon consideration of pro se Petitioner Kanat Umarbaev (“Petitioner”)’s petition for a writ of habeas corpus pursuant to 28 U.S.C.

§ 2241 (Doc. No. 1) and motion for leave to proceed in forma pauperis (Doc. No. 2), **IT IS**

**ORDERED THAT:**

1. Petitioner’s motion for leave to proceed in forma pauperis (Doc. No. 2) is **GRANTED**, and his § 2241 petition (Doc. No. 1) is **DEEMED FILED**;
2. The Clerk of Court is directed to terminate William Barr, Jennifer Ritchie, Lee Francis Cissna, and Kevin McAlleenan as Respondents in this matter;
3. The Court exercises its discretion under Rule 1(b) of the Rules Governing Section 2254 Cases in the United States District Courts, 28 U.S.C. foll. § 2254, to apply those rules to this § 2241 petition;
4. The Clerk of Court is directed to serve a copy of the petition (Doc. No. 1) and this Order on Respondent Warden Craig A. Lowe and the United States Attorney and to note the address of the United States Attorney on the front of the docket sheet in this case. All documents filed by the parties and by the Court shall be served upon the United States Attorney. See Rule 5, 28 U.S.C. foll. § 2254;

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<sup>1</sup> Petitioner has named Attorney General William Barr, Field Office Director Jennifer Ritchie, Acting Director of United States Customs and Immigration Enforcement Lee Francis Cissna, and Secretary of the Department of Homeland Security Kevin McAlleenan as Respondents in this matter. In a habeas challenge, however, “the proper respondent is the warden of the facility where the [individual] is being held.” See Rumsfeld v. Padilla, 542 U.S. 426, 435 (2004). Accordingly, the Court will direct the Clerk of Court to terminate all Respondents except Warden Craig A. Lowe.

5. Within **twenty (20) days** of the date of this Order, Respondent shall file an answer, motion, or other response to the allegations of the petition. See Rule 5, 28 U.S.C. foll. § 2254;
6. Petitioner shall, if he so desires, file a reply to Respondent's answer or other pleading **within fourteen (14) days** after its filing. See Rule 5, 28 U.S.C. foll. § 2254; and
7. A determination as to whether Petitioner shall be produced for a hearing will be held in abeyance pending the filing of Respondent's answer or other pleading.

s/ Yvette Kane  
Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania